

Indian Chieftain.

Also See Page 2 in Advance.
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The Fort Smith Journal nominates Judge Parker for vice president.

The senate bill to extend the southern and western boundaries of Kansas so as to include what is known as the public land strip within the limits of the state, has been reported favorably.

The Western Catawba Indian association, with headquarters at Fort Smith, proposes to petition congress to set aside for the use of all persons of Indian blood, not members of any tribe, a portion of the Indian Territory.

There are a lot of fellows in this nation who would feel awful bad to see \$200,000 per annum realized from the strip grazing privileges, through the efforts of Chief Mayes. The chances are favorable for some such a price.

HOW THEY RANT.

Contentment rather than surprise is inspired by the remarks of the Kansas City Times. The manner in which it disposes of Indian rights and recommends the disregard of the government's pledges goes to prove that all "the out-laws, desperadoes and thieves" have not made their homes in the Indian Territory. The grand idea is to open this country to white settlement. Congress can, upon a suggestion of expediency, destroy the Indian governments of the territory, declare the inhabitants citizens of the United States, but can congress set aside a title to the land, as good and as sacred as that of any private citizen of the United States to his homestead of 160 acres? By what authority of law that guarantees to all people in all countries the undisturbed possession of property, as legally obtained as the lands of the Indians of the Indian Territory, and declared to be so acquired and owned, by the highest tribunal on the continent, can congress or any other authority open the country to white settlement, and give them homes upon lands owned by others? The plea that the Indians have more land than they can use, and that the poor of the states are needing homes, is that of August Spies, the Anarchist, who would make common property of that which he considered an unequal share of life's comfort, and if such a principle can apply to Indian lands, it can apply to his cattle or hen-roost. If, as alleged, the Indians have more land than they need, it is no more than can be said of thousands of landholders in the states, and if the Times wants to put in practice what it preaches, he can try what his doctrine is worth nearer home.

You may destroy the Indian governments of the Indian Territory, but can you set a price on and take the property of the people? If no Indian chooses to sell his land, what have you gained?

You "plead the cause of the poor and needy," and that you may not get out of material for the exercise your charitable nature invite the papers of Europe to your shores, and then go into editorial spasms about the Indians having more land than they use. You condemn the Nihilists, censure the Communists, damn the Anarchists, yell about law and order in the territory, and then howl about the Washington idea of opening the territory as being too thick. Rip right in the way. Set aside Indian governments, seize the vacant lands, price and pay or not pay for them, as you like, and crowd out the Indian is the way to do business.

Your invitation to the "oppressed and downtrodden" of foreign nations to come to free and abundant America is that of "fools who set dinner for the wise to eat." In a century more the fatherly bosom of Uncle Sam will be so crowded that there'll hardly be room for spooning, and in the spacious one of Abraham the desire will be that many will take up their abode.

WALNUT LOGS.

Different are the opinions of many as to the penal extent of the late act of council, repealing the privilege to ship such timber, taken from one's premises, out of the country. The point of controversy is mostly confined to the right of exporting after the ninety days of grace are up, when the act becomes a law, and its penalties are in force. It is held by some that timber cannot be shipped after that time, even if the clerk's receipt can be produced to prove that the royalty on such timber had been paid, as required by the law that was in force at the time, and that was not and could not be considered rescinded until the other went into effect. Some are of the opinion that walnut logs can

prior to the passage of the act repealing the privilege cannot be shipped. Others confine themselves to such timber as may be cut, and a royalty paid, at any time between the beginning and expiration of the ninety days when the former act ceases and the other takes its place. At what turn or angle between the two acts, as to privilege and penalty, this hair-splitting takes place, even those who advocate such a thing cannot explain. They simply assert, without giving any reasons for such an opinion, that it is just that way. They see the cause, but through a glass dimly, or a difference they cannot explain, that to them appears in the act granting a privilege rescinded by another that is, but not yet in force. In order that such an opinion may appear reasonable or unreasonable, as you take it, we must conclude that the old law ceased to be a law when the act repealing the privilege it granted was passed, and that until the ninety days are up, when the new goes into effect, there is no law at all on the subject, and that timber cut within the time cannot be shipped, although the clerk's receipt for the royalty may be produced to prove that the nation has, as represented by the clerk's receipt, received pay in full of all demands required by law.

But how a law can be repealed by an act that is not in force, but is more like a note of hand that is due in ninety days, is a question which must be determined as though no rescinding act had been passed, and that the old will remain in full force until it expires by that limitation prescribed before another can take its place.

The logs must be taken out of the country, as asserted by some, before the ninety days are up. If not, the privilege to ship expires with the law that granted it. But here is a conundrum. Can the nation, through one of its laws, inflict punishment on that man for disposing of, in any manner he may wish, that which has become his personal property by the right of purchase? For a certain amount, by the thousand feet, which the law calls royalty, the nation sells to one of its citizens the timber within his improvement, and tells him to ship it if he wants to. By what principle of justice can the man who has paid the nation what it asked for certain kinds of timber, be restrained by a penalty from disposing of such timber just as he pleased? If the nation should by an act of its council, conclude to sell to its citizens any of its natural products for specified amounts, without granting or withholding any named privilege in relation to such sale, the purchaser would, under common law, have the right to ship or not to ship as he preferred. In the matter of sale and purchase, the nation is no more than a person, and cannot exercise any further control of the property for which it has received and acknowledged a consideration.

It cannot be claimed that the royalty was for the pay of the privilege to ship. The four dollars are not for a 1,000 feet of privilege, but for a 1,000 feet of walnut timber. Having paid the sum required the privilege to ship naturally followed as a rightful consequence of a legal purchase. Therefore the privilege to ship was an unnecessary provision in the law.

'DAHLONE' GOES UP IN SMOKE.

Our Tablequah Correspondent Apparently Holding his own.

FRIEND EDITOR:—If you will allow me a very small space in your independent journal, I will briefly notice the anti-furcation I received in last week's CHIEFTAIN. "The friend of justice and decency?" It is an open question whether "Dahlone" was meant as the *nom de plume*, or whether the intent was to add the syllable "ga." The first signifies that which the Cherokees were accustomed to smoke, while the second (Dahlone-ga) is a synonym for yellow and most truthfully indicates the superabundance of gall in the writer's composition and general make up. "Justice and decency!" If there was any of either in the action of the senate in ousting Rogers and seating Schrimsher, it has yet failed to show up to the people, unless it holds good, that "might makes right." Does "Dahlone" know that after Schrimsher was seated, the senate appointed a special committee of four to go through the election returns of Coowas-coowee district, precinct by precinct, carefully and thoroughly sifting, throwing out each and every illegal vote cast at the last August election for those two men—that said committee worked for days at the task, and their report was exhaustive, full and final, that Rogers had received fifty-three more legal votes than Schrimsher? In the minds of the other members of the senate, are the opinion that walnut logs can

not "Dahlone"—I will let that report settle once for all, the "justice and decency" of the transaction. "Under the law, the fact that Mr. Rogers held a certificate of election made him no more a member than Mr. Schrimsher." Wheel! Whirl! Fizz! And that from an educated, talented Cherokee! What next? I hereby challenge "Dahlone" to copy and send to you for publication in next week's CHIEFTAIN, the law just as it reads defining who are members of the two houses of council. "Mr. Schrimsher is a lawful member of the senate from Coowas-coowee district." (Will "Dahlone" be so kind as to reconcile such "law" with above report of the committee of five?) "and as lawfully entitled to full *per diem* pay as his colleague, Mr. Lindsey." If that is true and is really "the law," how then does "Dahlone" account for, and explain the unlawful action of those very "intelligent, conscientious and upright senators who voted in favor of seating Mr. Schrimsher," in paying Mr. Rogers for seventy-one days that he waited for the final decision? "O! Consistency thou art a jewel!"

Bear with me, Mr. Editor, and I will notice but one more extract from "Dahlone's" most remarkable episode on "justice and decency?" (save the mark!) It is the low fling—the bitter gall exhibited—the waving of the bloody shirt of an appeal to party or blood prejudice, shown in the spiteful allusion to your correspondent as "an outsider." Both writers well know who each is, and such an expression was not expected. It is suggestive of one of the shameful, disgraceful scenes that transpired within the walls of the senate chamber when one of those "intelligent, conscientious senators" waved the bloody shirt of race prejudice, when he said "Mr. Lindsey has no right here!"—and he was rebuked by a senator, a fullblood, and member of his own party who said "The other senator had gone too far—that by our law, Mr. Lindsey had just as much right to be here as—the honorable senator." Another senator said "it was a wonder said senator's father's bones did not rattle in his grave, to hear such sentiments from his son!" (Said senator's father was a white man.)

And now will "Dahlone" enlighten your anxious readers by defining what constitutes an "outsider" or an "insider?" If "Dahlone's" white blood was all drawn out of him, how much of an "insider" would he be? How many years has "Dahlone" lived in this country? Where was he born? Your correspondent was born among the Western Cherokees or Old Settlers, and has resided among them for sixty-three years. Is he still an "outsider?" Pray tell when can he get to be an "insider?"

I beg the reader's pardon for this plain talk but "justice and decency" required it. Yours,

TABLEQUAH CORRESPONDENT.

AGAINST THE NATION.

Judge Parker's Decision in the Southern Kansas Railway Case.

Judge Parker on Tuesday of last week decided the case of the Cherokee nation against the Southern Kansas railway company. This is a suit in equity brought by the Cherokee nation against the defendant company for the purpose of securing an injunction to prevent its road across or over its country. Congress on July 4, 1834, passed an act giving to the defendant a right of way across the lands of such part of the Cherokee nation as the survey would take its line of road. The Cherokee nation claims congress could not do this without their consent as it was on the part of the United States an exercise of the power of eminent domain which does not belong to the United States when its exercise would effect land in the Cherokee nation, but belongs to such nation alone. On the other hand the defendant claimed the United States had the right of eminent domain, because as between the government of the United States and the Cherokee nation the United States possesses sovereign power and the Cherokee nation is subordinate thereto; the court sustained the demurrer; refused the injunction and dismissed the bill.

The following are the points decided by the court: Eminent domain, what it is.—It is the rightful authority which exists in every sovereignty to control and regulate those rights of a public nature which pertain to its citizens in common and to appropriate and control individual property without the consent of the owner upon the payment of just compensation to the owner, for the public benefit, as the public safety, necessity, convenience or welfare may demand.

To what it pertains.—Eminent domain pertains alone to sovereignty.

Title of lands of Cherokees.—The title to all the lands of the Cherokee nation was obtained by grant from the United States. This title is a base, qualified or determinable fee without the right of reversion, but only the possibility of reversion in the United States. This in effect puts all the estates in the Cherokee nation.

Power of congress.—Congress cannot grant a right of way over the lands of the Cherokee nation without its consent, on the ground that the United States has title to such lands. If it can do so it must be done because the government of the United States can exercise with reference to the lands of the Cherokee nation the right of eminent domain.

Sovereignty, what it is.—By sovereignty in its largest sense is meant supreme, absolute uncontrollable power, the *jus summi imperii*, the absolute right to govern. Sovereignty in government is that public authority which directs or orders what is to be done by each member of society in relation to the end of the association or organization.

Government is not sovereignty, but it is the machinery or expedient for expressing the will of the sovereign power.

Eminent domain, what it grows out of.—The right of eminent domain does not grow out of the tenure by which lands are held. When a government asserts the right it admits title in the one against whom it is asserted. The right of eminent domain exists independent of the consideration whether the lands would escheat to the government in case of a failure of heirs.

Cherokee nation, under what political control.—The Cherokee nation, whilst it owns the soil of its country is under the political control of the United States and it is dependent on it for its political rights. This, as the history of this country has so often demonstrated, is necessary for the protection of its people.

The Cherokees not sovereign.—The Cherokee nation is therefore not sovereign, for its dependence on the United States forbids the idea of the existence of sovereignty in the Cherokee nation as against the United States. If not sovereign it cannot as against the United States have the right of eminent domain as an inherent right.

It cannot have it because it has been granted to it by the government, as the government cannot grant away the sovereign powers of the people.

The difference between the rights of property and the right of sovereignty. The rights of property are defined and become vested according to the terms of the grant. The rights of sovereignty is inalienable and rests in the discretion of the government, to be exercised without let or hindrance over any part of territory subject to its political control.

In a case where it exists in the government of the United States every provision of a law or treaty purporting to restrain its full and free exercise by the government would be void.

The right of eminent domain belongs either to the federal government or the government of the states.—The right to be exercised in a state must be obtained from the state all in all cases, except where the Federal government seeks to exercise it as being necessary to the enjoyment of the powers conferred upon it by the constitution.

In the territories the right of eminent domain belongs to the Federal government.

Status of the Cherokee nation.—The Cherokee nation is neither a state or territory in the sense of these words, as used in the constitution of the United States. It has a qualified autonomy—a local government, but it does not come within the meaning of either a state or territory, but is a part of what is called Indian country.

The Cherokee Indians are under an Indian agent.—Their tribal organization is recognized by the political department of the national government as existing, although their primitive habits and customs are largely broken into by the progress they have made toward civilization. Yet while the intercourse laws enacted by the national government are applicable to them, though they may have a local government of their own, it cannot, with any reason, be said that as against the government of the United States, they are a sovereign people, or have the power which is inherent in sovereignty. That they are not sovereign is apparent from the treaties made with them by the United States, from the laws of congress, enacted for their government, and from the opinions as to their status, delivered at different times in the history of the country.

COMPARATIVE WORTH OF BAKING POWDERS.

ROYAL (Absolutely Pure).....	100
GRANT'S (Alum Powder).....	75
RUFORD'S, when fresh.....	75
BANFORD'S, when fresh.....	75
REDHEAD'S.....	75
CHARM (Alum Powder).....	75
AMAZON (Alum Powder).....	75
CLEVELAND'S (Saleratus).....	75
PIONEER (Saleratus).....	75
CZAR.....	75
DR. PRICE'S.....	75
SNOW FLAKE (Graham).....	75
LEWIS'.....	75
PEARL (Andrews & Co.).....	75
HECKER'S.....	75
GILLET'S.....	75
ANDREWS & CO. (Royal).....	75
BULK (Powder sold loose).....	75
RUFORD'S, when not fresh.....	75

REPORTS OF GOVERNMENT CHEMISTS

As to Purity and Wholesomeness of the Royal Baking Powder.

"I have tested a package of Royal Baking Powder, which I purchased in the open market, and find it composed of pure and wholesome ingredients. It is free from tartar powder of a high degree of merit, and does not contain either alum or phosphates, or other injurious substances."

"It is a scientific fact that the Royal Baking Powder is absolutely pure."

"I have examined a package of Royal Baking Powder, purchased by myself in the market. I find it entirely free from alum, terra alba, or any other injurious substance."

"I have analyzed a package of Royal Baking Powder. The materials of which it is composed are pure and wholesome."

"The Royal Baking Powder received the highest award over all competitors at the Vienna World's Exposition, 1874, at the Centennial, Philadelphia, 1876, at the American Institute, New York, and at State Fairs throughout the country."

No other article of human food has ever received such high, emphatic, and universal endorsement from eminent chemists, physicians, scientists, and Boards of Health all over the world."

Note.—The above DIAGRAM illustrates the comparative worth of various Baking Powders, as shown by Chemical Analysis and experiments made by Prof. Schellier.

A pound can of each powder was taken, the total leavening power or volume in each can calculated, the results being as indicated. This practical test is worth by itself. Schellier only proves what every observant consumer of the Royal Baking Powder knows by practical experience, that, while it costs a few cents per pound more than ordinary kinds, it is far more economical, and, besides, affords the advantage of better work. A single trial of the Royal Baking Powder will convince any fair-minded person of these facts.

While the diagram shows some of the alum powders to be of a higher degree of strength than other powders ranked below them, it is not to be taken as indicating that they have any value. All alum powders, no matter how high their strength, are to be avoided as dangerous.

by the supreme court of the United States.

Eminent domain cannot be delegated.—The right of eminent domain cannot be delegated. The enjoyment of whatever privileges or rights may flow from the power having been exercised may be granted to another than the sovereign but when the power will be invoked, it is to be determined by the agent of the sovereign, in this case the congress of the United States as the agent of the people thereof. Congress can only exercise the right of eminent domain and cannot grant to another the power of saying when it shall be exercised.

In favor of what purpose can the right of eminent domain be exercised.—The use of the rights or privileges flowing from the exercise of eminent domain may be granted by the sovereign power to a railroad company because this is for the public benefit, safety, necessity, convenience and welfare.

This, then, is a proper case for the exercise by congress of this great sovereign right.

Callahan will remain but a short time.

Will endeavor to build upon a Square Foundation.

Would save the country if I could; can't be done with Leather, but will do your

Neatly and Substantially.

PEOPLE'S CHEAP HARNESS SHOP.

Don't Want to be Pitched About

Will Endeavor to Build upon a Square Foundation.

Could; can't be done with Leather, but will do your

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ABOUT THIS TIME OF THE YEAR

The Ladies wish for a new dress. Anticipating the wish

G. W. GREEN

Has already provided himself with a

Large Supply of New Dress Goods

To which he invites attention.

HERE G. W. GREEN AGAIN COMES TO THE FRONT.

A portion of the new

Clothing Stock

has arrived and there is more coming every week.

A pair of new boots or shoes are always in order.

Boots and Shoes are Green's Best Hold.

Ladies, Gentlemen and Children can all be fitted at a score of different prices (though all low.)

New Goods and Plenty of Them.

We have in stock and are receiving at Patton's old stand one of the largest and best selected stock of goods ever brought into the Territory. Consisting of

Staple and Fancy Groceries

Hardware, Classware, Queensware.

ALSO A FULL LINE OF

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AND AT PRICES TO SUIT THE TIMES.

We sell the best roller mill flour.....\$2.40

Best brown sugar, 14 pounds for.....\$1.00

Granulated sugar 12 pounds for.....\$1.00

EVERYTHING ELSE IN PROPORTION.

GENTLEMANLY AND ACCOMMODATING CLERKS.

SATISFACTION GUARANTEED OR MONEY REFUNDED.

We are here to stay and mean business. Come and see us and be convinced.

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SADDLE, HARNESS & SHOE SHOP.

Pitched from Texas to the Territory. Good News for the People of Vinita.

The Country Saved.

—I HAVE NOW—

Saddle and Harness Shop. A First Class Shoemaker

Can be found first door east of Patton's dry goods store with one of the

BEST SELECTED STOCKS

Ever in this country. I have been in the business in Texas for fifteen years and will duplicate

EVERY STYLE AND PRICE

Bought in any market. All I ask is a trial before purchasing your outfit and I will convince you that I mean what I say and what I mean.

And warranted. In addition, for our own use and to accommodate the trade, we keep a full line of "Shoe Furnishings" and will sell at bottom figures.

J. B. Stevens & Co., Vinita, Ind. Ter.